

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA,)	
)	
v.)	Case No. 1:07-cr-00265-JCC
)	
INGRID D. LEVY,)	The Hon. James C. Cacheris
)	
Defendant.)	
)	

MOTION TO POSTPONE SELF-SURRENDER DATE

Ingrid D. Levy, through undersigned counsel, respectfully requests that the Court postpone her self-surrender date until after September 5, 2008. The reasons supporting this request are set forth below.

I. BACKGROUND

On February 25, 2008, Ingrid Levy was convicted after trial of three counts of Mail Fraud in violation of 18 U.S.C. § 1341 and four counts of Wire Fraud in violation of 18 U.S.C. § 1343. On June 12, 2008, this Court sentenced Ms. Levy to the following: 46 months in prison for counts one through seven, to be served concurrently, three years supervised release for counts one through seven, to be served concurrently, payment of a \$700 special assessment (\$100 per count), and payment of \$168,000.07 in restitution. This Court ordered Ms. Levy to self-surrender at a date and time to be determined by the Bureau of Prisons. On June 19, 2008, Ms. Levy filed a timely notice of appeal with this Court. As of the time of the filing this Motion, Ms. Levy has not received notice from the Bureau of Prisons for a specific self-surrender date.

II. ARGUMENT

The reasons for this request are two-fold. First, Ms. Levy is seeking relief in the form of bond pending appeal with this Court. That motion is pending. Second, as the Court knows, Ms. Levy is the mother of three young children. The two older children, who are old enough to attend school during the school year, are not attending school for the summer, and it is critical for Ms. Levy to be home to care for the children. For this reason, even if her requests for bond pending appeal are denied, Mr. Levy would ask that she be allowed to self-surrender after Labor Day and after school resumes on September 5, 2008.

Shortly after sentencing, Ms. Levy retained new counsel to represent her on appeal in this matter. Last week, Ms. Levy has filed an extensive Motion for Reconsideration for Bond Pending Appeal with this Court pursuant to 18 U.S.C. § 3143(b)(1)(A). We expect that the Government will file an Opposition to that Motion. Should this Court grant Ms. Levy's request for bond pending appeal, the instant motion would be made moot. While Ms. Levy is hopeful that this Court will grant her request for bond pending appeal, in the event that this Court denies this Motion, Ms. Levy would make the same request for relief with the Fourth Circuit.

After all necessary litigation is completed on the motion, including the filing of the government's opposition motion, the filing of Ms. Levy's reply motion and a possible hearing on the matter, we anticipate that Ms. Levy's Motion for Reconsideration of Bond Pending Appeal will be decided by the Court no sooner than thirty (30) days after the potential self-surrender date, which takes us well into August. As such, Ms. Levy requests that this Court postpone her self-surrender date to allow the parties to litigate and this Court to render a decision on her Motion for Reconsideration for Bond Pending Appeal.

Ms. Levy will be severely prejudiced if this Court does not allow a brief postponement of her self-surrender date pending a decision of her Motion for Reconsideration of Bond Pending Appeal. If the Court grants Ms. Levy's Motion for Reconsideration of Bond Pending Appeal without having granted this request to postpone her self-surrender date, she will be *irreparably injured* by having to self-surrender to prison and begin her incarceration when the Court later decides that she merits bond pending appeal. On the other hand, if the Court grants Ms. Levy's request to postpone her self-surrender date but later denies her request for bond pending appeal, neither the public, nor the government will be prejudiced by a short postponement of Ms. Levy's execution of this Court's sentence. Furthermore, Ms. Levy *does not* pose a risk of flight or a danger to the community, thus, the granting of this motion will not effect the safety of the community in any way.

Additionally, and as this Court is aware, Ms. Levy is the mother of three young children—the youngest only two years old and the eldest suffering from a disability known as Auditory Processing Disorder (“APD”). Clearly, the removal of any mother from the lives of her children would create a tremendous hardship for any family, however, in Ms. Levy's case, the removal from the home will create significant disturbances in her children's lives and personal development. Not only will unnecessary and premature alterations in the home life and social structure of Ms. Levy's children potentially cause severe behavioral and social problems in the eldest child, but it will also create behavioral and health issues for the two younger children. The impact of Ms. Levy's incarceration upon her family will be mitigated at least in the short-term if she is allowed to remain at home with the children for the summer while they are not attending school.

As the potential for prejudice and irreparable injury to Ms. Levy and her children is severe and significantly outweighs any negligible prejudice to the government and the public, Ms. Levy's request for a brief postponement of her self-surrender date is reasonable and warranted under the circumstances.

WHEREFORE, for the forgoing reasons, Ms. Levy respectfully requests that this Court postpone her self-surrender date for no earlier than September 5, 2008, pending her children's return to school and a decision by this Court on her Motion for Reconsideration for Bond Pending Appeal.

Respectfully Submitted,

/s/ Aimee Simpson
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Dated: July 15, 2008

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of July, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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